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CITE DIRECTOR

TO: TEHRAN.

FOR AMBASSADOR HELMS FROM WARNER

1. WE RECEIVED AN ANSWER FROM THE ATTORNEY GENERAL WITH REGARD TO REPRESENTATION IN THE DRIVER CASE (THE MAIL INTERCEPT CASE IN PROVIDENCE, RHODE ISLAND). THIS IS THE CASE YOU RECEIVED AMENDED COMPLAINT AT STATE DEPARTMENT.

2. THE ANSWER STATES:

DEAR MR. COLBY:

THE DEPARTMENT OF JUSTICE HAS GIVEN CONSIDERABLE THOUGHT TO THE QUESTIONS RAISED IN YOUR LETTER OF SEPTEMBER 8. IN VIEW OF THE TIME PRESSURE WITH RESPECT TO THE DRIVER CASE, I AM ANSWERING YOUR LETTER

BECAUSE OF THE ONGOING CRIMINAL INVESTIGATIONS, THERE ARE UNFORTUNATE COMPLICATIONS WHICH WE MUST TAKE INTO ACCOUNT, AND FOR THIS REASON THE DEPARTMENT WILL RETAIN PRIVATE COUNSEL TO DEFEND EMPLOYEES OR FORMER EMPLOYEES. I BELIEVE THIS ANSWER TO QUESTION ONE MAKES UNNECESSARY IN ANSWER TO QUESTION TWO.

IN THIS SITUATION I DO NOT BELIEVE I CAN DELEGATE MY AUTHORITY TO YOU TO HIRE PRIVATE COUNSEL FOR FORMER OR PRESENT EMPLOYEES. IN ANSWER TO YOUR QUESTION FOUR, OUR INTERPRETATION OF THE STATUTES IS THAT YOU DO NOT HAVE THE AUTHORITY TO RETAIN PRIVATE COUNSEL TO REPRESENT THE INTERESTS OF YOUR AGENCY OR YOUR PRESENT OR FORMER EMPLOYEES WHO ARE INVOLVED IN THIS LAW SUIT.

SIGNED EDWARD H. LEVI

3. IT IS MY OPINION THAT YOU CAN RELY ON THE FIRM SELECTED BY JUSTICE TO REPRESENT YOUR INTERESTS. THE FIRM WILL OBVIOUSLY RAISE THE DEFENSES AS TO JURISDICTION AND PROPER SERVICE. WE CONSIDER THIS AN ENCOURAGING DEVELOPMENT BUT THIS DOES NOT COVER THE OTHER CASES

HR70-14
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APPROVED FOR RELEASE
DATE: MAR 2008

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AT THIS TIME. IN THE SAN FRANCISCO JOHN DOE CASE BASED ON MAIL INTER-
CEPT THE COURT GRANTED A 90 DAY STAY ON 18 SEPTEMBER. THE JUSTICE
DEPARTMENT HAS NOT SAID ANYTHING FURTHER ABOUT THE WAIVER LETTER IN
THE SAN DIEGO CASE. REGARDS.
~~SECRET~~

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